

TURNBULL FILES CONTEST PETITION

(Continued From First Page.)

Party within the said district a letter in the following words:

"Fourth Congressional District Committee.

"September 24, 1912.
"Dear Sir,—Fearing that there may be some misunderstanding of the law, I beg to call your attention to the following provisions respecting returns, etc.:

"The judges of election shall within two days after the election certify the returns to the county or city chairman, who, in turn, with the city or county committee, shall, within five days after their receipt, canvass the returns, tabulate and seal them and certify the result to the chairman of the district committee.

"The district committee has been called to meet in this city on Monday next, the 30th instant, for the purpose of canvassing these returns. The five days, according to my idea, will expire Friday next. I hope you will be able to get your committee together by that time and canvass the returns and certify them to me, in order that the committee may have the necessary facts before them to declare the result.

"Very truly yours,
"ROBERT GILLIAM,
"Chairman."

"That afterwards, to-wit: on September 25, 1912, the said chairman sent a telegram to the said chairman of the county and city committees of the Democratic party in said district. In the following words:

"After consulting counsel, I conclude that section 29 of the new primary law advocates Democratic party plan requiring meeting of your county committee to canvass returns. Judges of election certify returns direct to me. Unnecessary, therefore, for committee to canvass returns.

"ROBERT GILLIAM,
"District Chairman."

"That on the 30th day of September, 1912, your committee met in the city of Petersburg, and, against the protest and objection of your petitioner, proceeded to determine the votes cast, and the result of the said election from certain documents, called 'certificates,' forwarded by the judges of election at said primary election to the chairman of this committee, which documents were addressed to no one; and which the said chairman had, before the said 30th of September, 1912, declared to have been furnished to him for his personal information only, and which had been opened by him, or some other person, before the committee was convened for the purpose of ascertaining the result of said primary election.

"Poll Books Not Inspected.
"That your petitioner at said meeting of your committee contended, and here again contends, that no result of said primary election could be ascertained or determined according to law unless and until the poll books used at said primary election had been opened and inspected by the proper party authorities, and that the poll books used in said election were not opened and inspected by your committee, and your petitioner is advised, and here alleges, that the said poll books have not been opened or inspected by the proper authorities of said party in any of the counties or cities of the said district, except that he is informed that the poll books in Mecklenburg County were opened and inspected by H. F. Hutchison, chairman of the county committee of Mecklenburg County, without a quorum of said committee being present, and that the poll books in Sussex County were opened and inspected, and the result ascertained and certified to your honorable committee by the chairman and secretary of said committee showed that there was a discrepancy of five (5) votes between the result as so certified by the chairman and secretary of said committee for Sussex County and what was acted upon by your committee as documents forwarded by the judges of election conducting said primary election in said County of Sussex.

"That upon the basis of the figures set out in the documents aforesaid, and without any ascertainment of the result of said primary election from the poll books or from any other definite or certain source, recognized or authorized by the laws of the State of Virginia or by the regulations of the State Central Committee of the State of Virginia or by your committee or by any other constituted authority of the Democratic party, your committee proceeded to determine the result of



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tea of Mecklenburg County, without a quorum of said committee being present, and that the poll books in Sussex County were opened and inspected, and the result ascertained and certified to your honorable committee by the chairman and secretary of said committee showed that there was a discrepancy of five (5) votes between the result as so certified by the chairman and secretary of said committee for Sussex County and what was acted upon by your committee as documents forwarded by the judges of election conducting said primary election in said County of Sussex.

said election to have been that your petitioner and the said Walter A. Watson severally received the number of votes set forth in the following statements, and thereupon adopted a resolution awarding the certificate of election to the said Walter A. Watson, the candidate who had received a majority of the votes in said primary election, the majority, as appears from said tabulated statement, being eight:

Results in Counties.	Turnbull, Watson.
Amelia	107 335
Brunswick	917 74
Dinwiddie	212 495
Greeneville	219 142
Lunenburg	271 304
Mecklenburg	781 569
Nottoway	185 981
Powhatan	84 263
Prince Edward	216 309
Prince George	109 117
Surry	244 105
Sussex	258 264
Petersburg	821 459
Totals	4,443 4,461

All of which more fully appears from a copy of the proceedings of this committee on said 30th day of September, 1912, which is hereto attached and made a part of this petition.

Your petitioner, as well as the electors of said district qualified to vote at said primary, by reason of the action of your committee and of the chairman thereof, instructing the county and city chairmen not to cause the require or permit the poll books aforesaid to be opened and the result of said election to be ascertained according to law, or, indeed, ascertained at all, by a canvass of the apparent returns as shown by said poll books, have been greatly prejudiced and aggrieved, inasmuch as your petitioner and the said electors are thereby deprived of the means of ascertaining what results are actually shown by said poll books or of ascertaining who, in fact, is shown by said poll books to have received the majority of votes cast at said primary election.

Further Aggrieved.
That your petitioner is further prejudiced and aggrieved by the action of your committee aforesaid, inasmuch as he has been thereby deprived of the means of ascertaining what extent and in what manner it does appear from said poll books that the said election was not conducted according to law and to what extent the apparent result thereof was affected by the apparent admission of persons to vote in said primary who were not qualified according to law to vote therein, or by the exclusion of persons qualified according to law from the right to vote in said election, or in any other matter or fact pertaining to his legal rights as a candidate for nomination at said primary election, and that the action and conduct aforesaid of your committee was tantamount to a denial to your petitioner of the means of ascertaining facts disclosed by the poll books, which, under the law are public records, to enable him to assert and maintain his rights by contest or otherwise, as he might be advised, which right is not only guaranteed to your petitioner by the laws of the State of Virginia, but also by the regulations and precedents of the Democratic party of said State.

Your petitioner, upon knowledge and information, the details of which are hereinafter more fully set forth, hereby alleges and charges that the said election was an undue election, and that the returns thereof, if the documents called 'certificates' alleged to have been made by the several judges of election conducting said primary in said Fourth Congressional District, and acted upon by your committee, as the sole and conclusive evidence of the result of said election, are entitled to be called returns in contemplation of law (which your petitioner here denies), are false returns, and your petitioner hereby contests the said election and the right of this committee to award the said certificate of election to the said Walter A. Watson, upon the following grounds:

Grounds of Contest.
1. The instructions issued by your committee to the various judges of election for the conduct of the said primary election, in said district, and above referred to and filed herewith, are erroneous in the following particulars, which errors caused the said judges of election to deny the right to vote in said primary to such a number of persons who were in fact qualified to vote, and who desired to vote for your petitioner, as would have changed the result of said election and given a majority of the votes cast in said election to your petitioner, even if it were true that the tabulated statement of the result of said election aforesaid were in other respects correct. The errors are sufficient to vitiate the said primary in toto.

(a) The said instructions state that "all lawful Democratic voters" qualified to vote at the election for which the primary is held may vote in said primary, etc.; whereas, the primary election law enacted by the General Assembly of Virginia and approved March 14, 1912, provides that "all persons qualified to vote at the election for which the primary is held, may vote at the primary," provided they possess the other qualifications prescribed by section eight (8) of said primary law.

Denied Right to Vote.
Acting under these erroneous instructions, the judges of election at Edmund's Store Precinct, in the county of Brunswick, as a test of the qualification of persons offering to vote, not only inquired whether they possessed the qualifications prescribed by law, but went further and assumed the authority to determine whether the electors were "lawful Democrats," according to the arbitrary standards of the said judge of election, irrespective of the qualifications prescribed by the statute in such case. Accordingly, at said precinct, seven (7) persons who, in the next preceding general election in said county had voted for the nominee of the Democratic party in said county for the House of Delegates of Virginia, and were in all respects eligible, namely, G. S. Daniel, A. H. Hawthorne, M. L. Laffoon, F. W. Elmore, F. J. W. Hawthorne, George E. Jones and C. B. Waller, who had offered to vote at said precinct in said primary election, and who desired and intended to vote for your petitioner, were denied the right to vote by the judges of election, and many other persons possessing like qualifications, were by the said arbitrary rulings of the said judges of election, prevented from offering to vote, although they desired and intended to vote for your petitioner.

At Brown's Store (sometimes called Kenbridge's) Precinct, in the county of Lunenburg, the same arbitrary ruling was applied by the judges of election. They permitted W. B. Parrish and S. W. Hinton to vote for the said Walter A. Watson, although they were Republicans, and, as your petitioner charges, were not qualified to vote; and yet the said judges of election refused to allow the following persons—J. A. Moore, Frank Snaad, A. L. Wingold, Leon Faris, W. F. Vosthlo, J. W. Inga, G. L. McLaughlin and G. E. Cordis—to vote for your petitioner, notwithstanding they were in all respects qualified to vote under the provisions of the act of the Legislature aforesaid, and intended to vote for your petitioner, and this was done notwithstanding the fact that the said judges of election were advised by an officer of the law of said county that said persons were legally entitled to vote in said primary.

Voted After Sunset.
The said W. F. Vosthlo had been admitted to the voting booth, but there stated that he intended to vote for your petitioner and was thereupon refused the right to vote. At said precinct also one J. A. Featherstone had been appointed as one of the judges of election to serve in said primary until the afternoon of the 30th day of September, 1912, intended to serve when T. A. O'Leary, of Blackstone, in Nottoway County, and Kenna Bagley, of Lunenburg County, both ardent supporters of said Walter A. Watson, according to your petitioner's information, called on said Featherstone and induced him not to act as such judge of election and secured one Pretlow to serve in his stead, who was chiefly instrumental in securing the right to vote denied to the persons above named. At said precinct, also, one Mack Seay was brought to the polls after sunset by the chairman of the county committee of said county, a supporter of said Walter A. Watson, and allowed to vote for the said Watson, although his right to vote was challenged by the said Pretlow, who was told to challenge by "You go to hell; I am running this thing."

At Farmville Precinct, in Prince Edward County, the judges of election applied the same arbitrary ruling in the interest of the said Walter A. Watson, and to the prejudice of the rights of your petitioner, and with respect to the conduct of the judges of election at this precinct, your petitioner sets forth in this petition the following letter which he has received from R. C. Bristow, and which he adopts and makes a specific allegation of this petition, adding only to the statement made in said letter the further allegation, that the Mr. Ewing and Mr. Brock, mentioned in said letter, were, respectively, the nominees of the Democratic party in said county for the House of Delegates and State Senate of Virginia.

"Farmville, Va., September 23, 1912.
"Hon. Robert Turnbull, Lawrenceville, Va.:
"Dear Sir,—On last Saturday I went to the polls to vote, and qualified in every way, had voted in the last general election for Mr. Ewing and Mr. Brock for the Legislature, and also promised to support the nominees of the primary.

"I consulted the county chairman, Mr. Dupuy, before I offered to vote, and he informed me that I had a perfect right to vote, but I was refused a ballot by the judges. Then I went to see the circuit judge (Judge Hendley) and Commonwealth's Attorney Watkins. They both said I had a right to vote, but still I was refused a ballot, and, of course, could not vote.

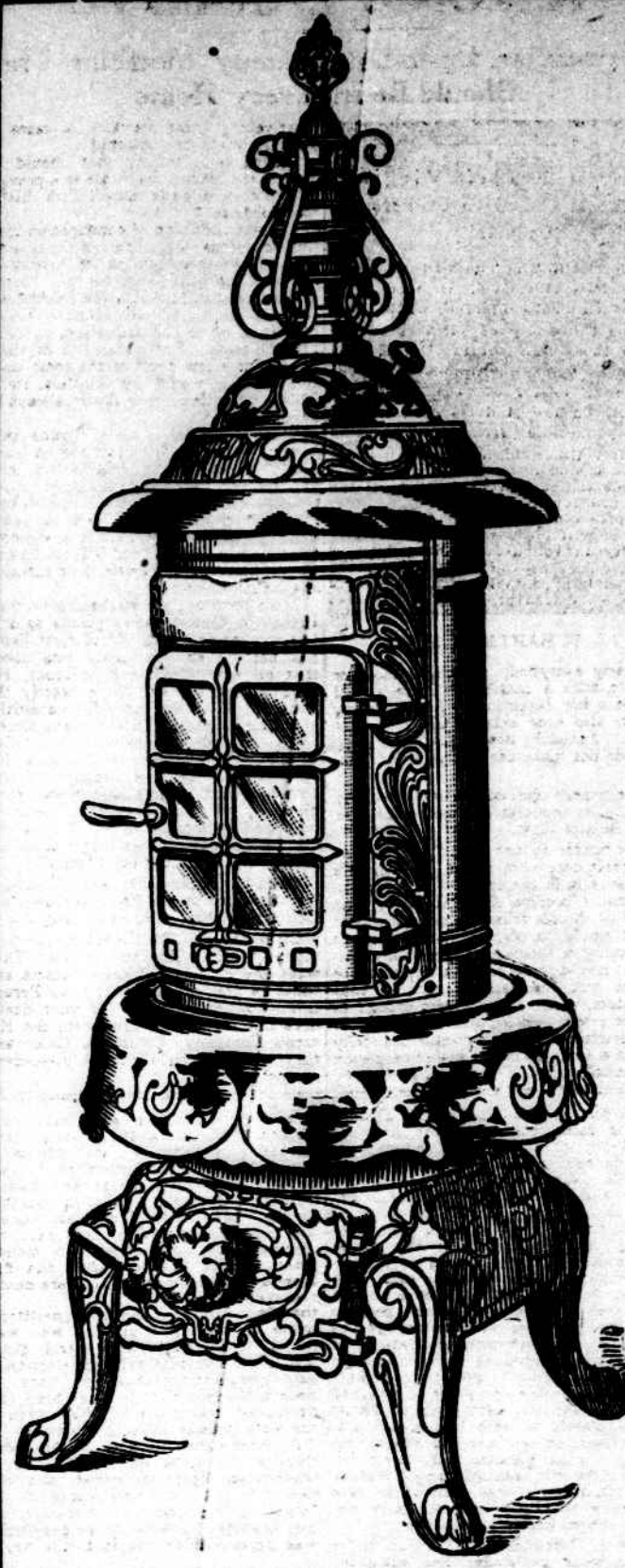
"They had three judges—one for you and two for Watson. In my case, one of the Watson men virtually controlled the entire affair.
"Now, if there is a contest, and I can be of any service to you whatever, let me know. If you see fit to publish this, do so with my name signed to same.

"Respectfully yours,
"R. C. BRISTOW."

Arbitrary Rulings.
And your petitioner charges that the same arbitrary ruling was applied by other judges of election at other precincts in said primary election in the said district, in the interest of the said Walter A. Watson, and to the prejudice of your petitioner.

(b) That while the following language from said instructions sent out by this committee to the judges of election as to the further canvassing of the right to vote, namely: "Provided, however, that no person shall be permitted to vote for the candidates in said primary unless in the last next preceding general election he voted for the nominee of said party for the House of Delegates; provided, further, that if he did not vote at such

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general election, then upon his declaration that he will support at the ensuing election, the nominee of said party, he shall be allowed to vote." The said instruction was not uniformly and impartially applied by the judges of election, as between the two candidates for the said nomination, inasmuch as persons who were not qualified to vote under said instructions and the statute in such case, were, nevertheless, allowed to vote for the said Walter A. Watson, whereas persons in whose name category were not allowed to vote in said primary for your petitioner.

Negro Allowed to Vote.

In support of this allegation, your petitioner charges that at Blackstone Precinct, in Nottoway County, one H. L. Jackson, a negro, and chairman of the "Progressive" party, popularly known as the "Bull Moose" party for the county aforesaid, was allowed by the judges of election to vote in said primary election, and that the said Walter A. Watson, notwithstanding it was well known to said judges of election that the said H. L. Jackson had been throughout his whole political career, a member of the Republican party until his present affiliation with the said Progressive party, and notwithstanding the fact that the said Walter A. Watson, so often publicly proclaimed before the election, of the participation of negroes in the said primary.

At Burkeville Precinct, in said Nottoway County, your petitioner is informed and charges that four (4) other negroes in said county were allowed to vote in said primary, as an inspection of the poll books will disclose, and that they voted for said Walter A. Watson, and at said Burkeville Precinct, in said county, sundry other Republicans who were not qualified to vote under the provisions of the act of the General Assembly aforesaid were permitted to vote and did vote for the said Walter A. Watson, as will appear from an inspection of the poll books.

At Grove Precinct, in said Nottoway County, C. E. Wilson, one of the leading Republicans of said county, and who is now or has recently been chairman of said Republican party in said county, and a number of other Republicans whose names and number, for want of space to the poll books, cannot be given, were permitted to vote and did vote in said primary election for the

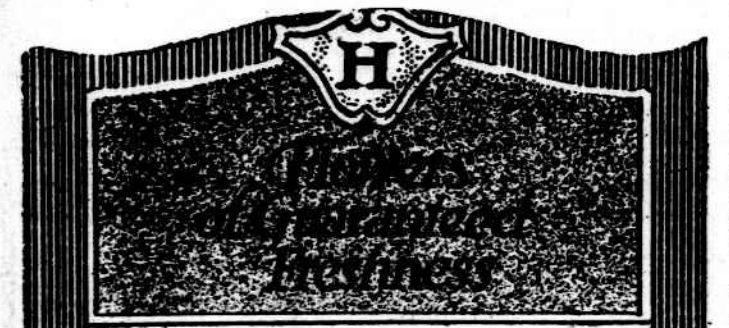
said Walter A. Watson, notwithstanding they did not possess the qualifications prescribed by said act. Upon information and to the best of your petitioner's belief, the Republicans of Nottoway County, regardless of whether they possessed the qualifications prescribed by said act or not, were solicited and permitted to vote in said primary election for the said Walter A. Watson, and that this unlawful practice prevailed at every precinct in said County of Nottoway, but not having had access to the poll books, your petitioner is unable to give the names and numbers of illegal votes so permitted and received by the judges of election in said County of Nottoway, or to make more specific allegations.

At Rice Precinct, in Prince Edward County, H. P. Bradshaw, J. E. Hubbard and J. W. Bradshaw were permitted by the judges of election to vote

for the said Walter A. Watson. Your petitioner is informed and charges that these three persons voted upon the advice of the said Walter A. Watson, that they are known to be pronounced Republicans, and were solicited to vote on their promise to support the nominee, knowing he would have no opposition, and will not vote in the ensuing election for the presidential electors of the Democratic party.

In Bluestone District, in Mecklenburg County, at Gillespie's Store Precinct, or Abbeyville Precinct, several persons who are Republicans, and did not possess the qualifications required by the act aforesaid, were allowed to vote for the said Walter A. Watson. Your petitioner is unable to say at which precinct they voted for want of access to the poll books.

(Continued on Fifth Page.)



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